



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/05/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.9097 of 2022

Oshama @ Ali Oshama

...Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Bazaar Police Station,
Ramanathapuram,
Ramanathapuram District.
(Crime No.158/2022).

... Respondent/Complainant

For Petitioner : M/s.M.Arputharaj, Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.158 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A-1 who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 147, 294 (b), 323 and 506(ii) in Cr.No. 158 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner/A-1 along with other accused persons took the defacto complainant into Coconut grove in ECR Junction and kicked him by using their legs, attacked him and asked money and then the defacto complainant transferred a sum of Rs.1,000/-using mobile phone and they have also threatened with dire consequences. Hence the complaint.



3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent person.

4.The learned Government Advocate (crl. side) appearing for the respondent police would submit that injured has been discharged from the hospital.

5.Considering the facts and circumstances of the case and also considering the fact that injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Ramanathapuram on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police as and when required for interrogation;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

11/05/2022

/ TRUE COPY /

13/05/2022

Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
BAZAAR POLICE STATION,
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. ARPUTHARAJ.A. Advocate SR.No.4668

ORDER
IN
CRL OP(MD) No.9097 of 2022
Date :11/05/2022

SP/VR/SAR IV/13/05/2022/3P/6C